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10/004,125

PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Glugla, Michelini, Flory

Serial No: 10/004,125

Group Art Unit: 3661

Filed: 12/6/2001

Examiner: J. Kwon

Title: INTAKE MANIFOLD PRESSURE CONTROL  
FOR VARIABLE DISPLACEMENT ENGINES CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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September 10, 2003  
Date

 Maria Leos  
Signature

PROVISIONAL ELECTION WITH TRAVERSE IN RESPONSE TO RESTRICTION/ELECTION  
REQUIREMENT (37 C.F.R. § 1.42)

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

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Sir:

In response to the telephone call from Examiner J. Kwon on September 5, 2003 requiring restriction/election for the above-identified patent application, Applicants hereby provisionally elect Group I, Claims 1-7 and 13-20 with traverse for prosecution on the merits and request reconsideration of the requirement. This provisional election is intended to supersede any instructions that may have been received by the Examiner from prior counsel (see Revocation of Power of Attorney dated 9/10/2003, Change of Correspondence Address dated 4/16/2003, and Associate Power of Attorney dated 4/16/2003) to the extent that they are inconsistent with this election.

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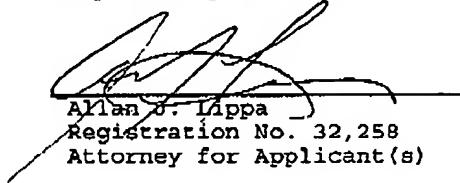
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On April 16, 2003, Applicants filed a Change of Correspondence Address and a separate Associate Power of Attorney directing all future correspondence be sent to David S. Bir (Reg. No. 38,383) intending that Mr. Bir be the attorney responsible for future prosecution. However, the Examiner contacted previous counsel for instructions with respect to the restriction/election for this application. A message was left with the Examiner on 9/5/03 by Mr. Bir with a request to discuss the restriction requirement. However, the Examiner apparently received instructions from previous counsel and has not returned any subsequent telephone messages left by Mr. Bir.

As such, the Examiner is respectfully requested to disregard any instructions that may have been received in error and correct the application file with respect to the proper correspondence address and attorneys of record as noted above and in the concurrently filed Revocation of Power of Attorney.

Respectfully submitted,



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Attorney for Applicant(s)

Date: September 10, 2003

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